

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RED EYE, INC.,
Plaintiff,
v.

Civil Action No. 09-cv-11443

CHATHAM BIOTEC LTD.,
Defendant.

ORDER APPROVING SUBSTITUTION OF SECURITY
Attachment Pursuant to Mass. Gen. Laws ch. 223, §§ 48 and 50

After reviewing the Joint Motion of the Plaintiff and Defendant for Approval of Substituted Security for Keeper Attachment Approved September 1, 2009 (Expedited Determination Requested), in the opinion of this Court the relief requested therein is just; and this Court hereby authorizes and approves: (1) the deposit of \$100,000 by the Defendant with Keeper Craig R. Jalbert of Verdolino & Lowey, P.C. (the "Keeper") which funds shall be held by the Keeper as substituted security in an interest-bearing segregated account with an FDIC insured banking institution during the pendency of this litigation pursuant to and in accordance with the Order of Keeper Attachment Pursuant to Mass. Gen. Laws ch. 223, § 48 (the "Order") and the Writ of Attachment as issued by this Court on September 1, 2009; (2) that the Order and Writ of Attachment shall remain in full force and effect during the pendency of this litigation, with the original lien as perfected on September 1 and 3, 2009 attaching to the deposited \$100,000 as substituted security for the cranberries which were originally attached; and (c) the cranberries held by Versacold in the name of or for the benefit of Defendant shall be released from the Order and the Writ of Attachment, which Order and Writ are dissolved and without further force and effect as to those cranberries.

Dated: 3/25/10

effect as to those cranberries.